D.B. CIVIL SPECIAL APPEAL (CIVIL) NO.118/2007
M/s Banke Bihari Processor, Pali Vs. Sushil Toshniwal.

Date : 19.09.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE SANGEET LODHA

Mr. B.S. Sandhu for Mr. Vinod Purohit for the appellant.

From the perusal of the record, it appears that the application for stay of execution proceedings before the trial court has been rejected on the ground that no material has been placed before him for showing that the application under Section 5 of the Debt Relief Act has been admitted by the Debt Relief Court. Therefore, the application for stay of the proceedings has been rejected. The revision against the same has also been dismissed by learned Single Judge. Hence, this special appeal.

In view of Section 100-A C.P.C. and even otherwise under Section 18 of the Rajasthan High Court Ordinance, the special appeal is not maintainable. However, it is clarified that the dismissal of this application under Section 6 at this stage shall not be a bar in case the order admitting the application under Section 5 of the DRT Act is produced before the executing Court for considering fresh application under Section 6 of the said Act.

[SANGEET LODHA], J. **[RAJESH BALIA], J.**

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